

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

No. 67-217

D. C. Form No. 106A Rev.

TITLE OF CASE

State Farm Mutual Automobile
Insurance Company,

VS

Marie Holloway, Associated Indemnity Corporation, a Foreign Corporation, Mildred Shoop and Wilbur Shoop,

ATTORNEYS

For plaintiff:

Best, Sharp, Thomas & Glass,
~~308 West 10th Building~~, 200 Franklin Bldg.
Tulsa, Oklahoma, 74103

For defendant:

Donald Church
501 Philtower Building
Tulsa, Oklahoma 74103

Paul McBride & B. W. Tabor LU 7-3361
P. O. Box 1439
Tulsa, Oklahoma

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|--|--------------|----------|---------------------|-------|-------|
| J.S. 5 mailed 12-1-67 | Clerk | 11-3-67 | Best, | 15 00 | |
| | | 11-29-6 | C/D 20 | | 15 00 |
| | | 10-30-68 | Sharp | 5 00 | |
| J.S. 6 mailed 10-1-68 | Marshal | 10-31-68 | C/D 19 | | 5 00 |
| | | 11-13-68 | Church | 5 00 | |
| | | 11-14-68 | C/D 21 | | 5 00 |
| Basis of Action: Declaratory judgment | Docket fee | | | | |
| | Witness fees | | | | |
| Action arose at: Tulsa | Depositions | | | | |

| 1967 DATE | PROCEEDINGS | Date Order or Judgment Noted |
|--------------|---|---------------------------------|
| 11-3-67 | Complaint, filed. Summons issued for Shoops. e | |
| 11-7-67 | Answer of defendant Marie Holloway, filed. e | |
| 1-23-68 | Answer of defendants Mildred Shoop and Wilbur Shoop, filed. w | |
| 1-24-68 | Summons issued to Associated Indemnity Corporation. ME | |
| 1-25-68 | Defendant's subpoena duces tecum returned, filed - served Tom O'Brien at Tulsa, Okla., on 1-24-68. b | |
| 1-25-68 | Defendant's subpoena duces tecum returned, filed - served O. Blanchard Renegar at Tulsa, Okla., on 1-24-68. b | |
| 1-23-68 | Defendant Shoop's notice to take deposition, filed. b | |
| 1-26-68 | Defendant Associated Indemnity Corp's Answer, filed. w | |
| 1-31-68 | Motion of defendants Mildred Shoop and Wilbur Shoop for production, inspection, and copying of documents, filed. w | |
| 1-31-68 | Summons returned, filed - served Associated Indemnity Corporation, by serving Joe B. Hunt, Oklahoma State Insurance Commissioner and paying him \$3.00 at Oklahoma City, Oklahoma, on 1-29-68. (Fee \$4.72 + \$3.00) b | |
| 2-13-68 | Deposition of witnesses Thomas M. O'Brien and O. Blanchard Renegar on behalf of defendants, Shoop, taken by Larry E. Marks, NP at Tulsa, Oklahoma on 1-26-68, filed. ds | |
| 2-13-68 | Hearing held, statements made that no agreement can be reached on the liability. (Luther Bohanon = Judge) (FS-CSR) b | |
| 2-28-68 | Motion for summary judgment by defendant, Associated Indemnity Corporation, with supporting brief, filed. w | |
| 4-8-68 | Ordered by the Court that the motion of defendants Mildred Shoop and Wilbur Shoop for production, inspection and copying of documents as to "a" to "g" is sustained, except for those privileged and those to the Court; motion for summary judgment by defendant, Associated Indemnity Corporation is overruled. (LB-J) w | |
| 4-18-68 | Ordered by the Court that this case is set for pre-trial on Thursday, May 16, 1968 at 9:30 A. M. (Fred Daugherty - Judge) b | |
| 5-16-68 | Order requiring production of documents, filed. (LB-J) ds | |
| 5-16-68 | Pre-trial hearing held, Associated Indemnity Corp. to furnish certain documents. Defendant Marie Holloway requests permission to use deposition in other case and request denied. Plaintiff's exhibits 1 marked; Shoops' exhibits #3 and 4 marked and they are admitted. Case to be set on the non-jury docket. Plaintiff directed to prepare pre-trial order within 10 days. (Luther Bohanon - Judge) (FS-CSR) b | |
| 5-16-68 | Pre-trial exhibits, filed. b | |
| 6-18-68 | Ordered by the Court that this case is set for non-jury trial on Tuesday, July 2, 1968, at 9:30 a.m. (LB-J)w | |
| 6-27-68 | Subpoena returned filed, served Marie Holloway on 6-22-68 at Tulsa, Okla., (Fee \$5.00 attendance) b | |
| 7-1-68 | Deposition of Marie Holloway taken on 6-22-68 before James W. Garrett, CSR. Tulsa, Oklahoma. ds | |
| 7-2-68 | Transcript of proceedings at pretrial conference, at Tulsa, Oklahoma, May 16, 1968; Frank M. Sickles, CSR., filed. ds | |
| 7-2-68 | Case called for trial; ordered that case is passed to next non-jury docket. (LB-J)w | |
| 7-2-68 | Return of Subpoena serving Blanchard Renegar, Personally on 6-27-68 filed. js | |
| 7-2-68 | Return of Subpoena serving Tom O'Brien, personally on 6-27-68, filed. js | |
| 7-31-68 | Ordered that case is set for non-jury trial on Monday, Aug. 26, 1968, at 1:30 p.m. (LB-J)w | |
| 8-7-68 | Amendment to complaint, showing copy of insurance policy, filed. b | |
| 8-12-68 | Return on subpoena duces tecum filed. Executed by serving Tom O'Brien at Tulsa, Oklahoma, on 8-9-68. (\$2.72) ds | |

(Continued on Sheet 2, Page 3)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 8-15-68 | Notice to take depositions of deft., Associated Indemnity Corp., filed. w | |
| 8-21-68 | Deposition of Evelyn Shaw, taken 8-15-68 on behalf of Claimant, filed. (\$29.00)g | |
| 8-26-68 | Deposition of Mariano Granados, witness for defendant, Associated Indemnity Corporation, filed. Taken by William J. Moore, San Antonio, Texas, on 8-21-68. ds | |
| 8-26-68 | Case tried to the Court, taken under advisement, parties to file suggested Findings of Fact and Conclusions of Law simultaneously within 15 days. (Luther Bohanon - Judge) (FS-CSR) b | |
| 9-10-68 | Proposed Findings of Fact and Conclusions of Law of Mildred Shoop and Wilbur Shoop, filed. b | |
| 9-10-68 | Examples of evidence of Mildred Shoop and Wilbur Shoop supporting Findings of Fact, filed. b | |
| 9-17-68 | Plaintiff's proposed findings of fact, conclusions of law and judgment filed. b | |
| 9-17-68 | Memorandum of plaintiff in support of proposed findings of fact, conclusion of law and judgment, filed. b | |
| 9-27-68 | Proposed Findings of Fact, Conclusion of Law and Judgment of Associated Indemnity Corporation, filed. b | |
| 9-27-68 | Findings of Fact and Conclusions of Law, filed. (Luther Bohanon-Judge. (copies mailed to counsel) | |
| 9-27-68 | Judgment filed and entered; plaintiff is not entitled to relief sought against the defendants, Marie Holloway, Associated Indemnity Corporation, Mildred Shoop and Wilbur Shoop; that the Associated Indemnity Corporation policy issued to Robert J. and Evelyn Shaw did not afford coverage for the accident; that State Farm Mutual Automobile Insurance Company policy issued to W. E. Holloway affords coverage for Marie Holloway for damages to Mildred Shoop and Wilbur Shoop, resulting from the accident on 4-9-68. (Luther Bohanon - Judge) (copies mailed to counsel) b | |
| 10-2-68 | Motion for new trial of plaintiff, filed. w | |
| 10-2-68 | Plaintiff's motion for judgment non obstante veredicto, filed. w | |
| 10-2-68 | Plaintiff's motion to correct judgment, filed. w | |
| 10-2-68 | Plaintiff's brief in support of motion for new trial, motion for judgment non obstante veredicto and motion to correct judgment, filed.w | |
| 10-7-68 | Motion To Amend Findings of Fact and Conclusions of Law, By defendants Mildred Shoop and Wilbur Shoop, filed. js | |
| 10-7-68 | Brief In Support of Motion to Amend Findings of Fact and Conclusions of Law. filed. js | |
| 10-10-68 | Hearing held on plaintiff's motion for new trial, motion for judgment non obstante veredicto, and motion to correct judgment. Plaintiff's motions are each overruled. Motion to amend findings of fact and conclusions of law by defendants Mildred Shoop and Wilbur Shoop is sustained. (LB-J)w | |
| 10-28-68 | Order, amend Finding of Fact No. 12, Motion for New Trial, Motion to Correct Judgment & Motion for Judgment Non Obstante Verdicto are overruled exception amendment hereinabove ordered. filed, js (LB-J) | |
| 10-30-68 | Notice of appeal by plaintiff, filed. g Copy mailed to Donald Church, B. W. Tabor, and Clerk, USCA. g | |
| 10-30-68 | Order setting supersedeas bond at \$12,500.00, filed. g | |
| 10-30-68 | Supersedeas bond, \$12,500.00, Fidelity and Deposit Co. of Maryland, surety, filed. g | |
| 10-30-68 | Designation of record to be transcribed by court reporter, filed. g | |
| 10-30-68 | Statement of issues to be presented on appeal and testimony to be transcribed in support thereof, filed. g | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|---------------------------------|
| 1968 | | |
| 11-13-68 | Cost Bond For Appeal, by Defendants Shoop, in amount of \$250.00, filed. js | |
| 11-13-68 | Notice of Cross Appeal To Court of Appeals, filed and mailed to Court of Appeal, Joe Glass, and Rucker & Tabor. js | |
| 11-22-68 | Cross-Appellants' designation of contents of record on appeal, filed. g | |
| 11-29-68 | Transcript of trial proceedings (8-26-68) and hearing on motions for new trial, etc., (10-10-68), filed. (orig. + 1 cpy.) FMS-Reporter. g | |
| 12-9-68 | Record on appeal forwarded to USCA, Denver. g | |
| 3-24-70 | Bill of costs in the amt. of \$235.60, filed. Taxing before Clerk set for 4-8-70 at 9:30 a.m. m | |
| 3-26-70 | Order that Clerk refund the \$250.00 deposited as cash bond to Donald Church, atty. for Shoops, filed. (LB-J)m | |
| 4-8-70 | Costs are hereby taxed in the amount of \$45.60 this 8th day of April 1970, and that amount included in the judgment. (MME-C). js | |
| 4-13-70 | Mandate of USCA, 10th Circuit, affirming judgment of 9-25-1968, filed and spread of record. g | |
| 4-13-70 | Opinion of USCA, 10th Circuit, filed and spread of record. g | |
| 8-6-70 | Release and satisfaction of Judgment, filed and entered . v | |